

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV. 8522

ANTHONY H REEVES

(In the space above enter the full name(s) of the plaintiff(s).)

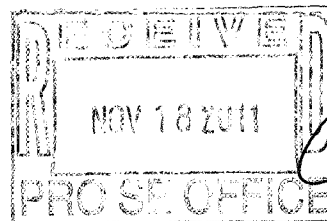
-against-

LABON READY NORTHEAST, INC

COMPLAINT
FOR EMPLOYMENT
DISCRIMINATION

Jury Trial: ☒ Yes ☐ No
(check one)

(In the space above enter the full name(s) of the defendant(s).
If you cannot fit the names of all of the defendants in the space
provided, please write "see attached" in the space above and
attach an additional sheet of paper with the full list of names.
Typically, the company or organization named in your charge
to the Equal Employment Opportunity Commission should be
named as a defendant. Addresses should not be included here.)



This action is brought for discrimination in employment pursuant to: (check only those that apply)

☒

Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

NOTE: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☐

Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 - 634.

NOTE: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.

☐

Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 - 12117.

NOTE: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue Letter from the Equal Employment Opportunity Commission.

☒

New York State Human Rights Law, N.Y. Exec. Law §§ 290 to 297 (age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status).

☐

New York City Human Rights Law, N.Y. City Admin. Code §§ 8-101 to 131 (actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status).

I. Parties in this complaint:

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff Name ANTHONY REEVES
 Street Address 1400 EAST NY AVE
 County, City BROOKLYN NY 11212 APT 11A
 State & Zip Code 11212 APT 11A
 Telephone Number (718) 498 7702 CELL 609 902 1364

- B. List all defendants' names and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant Name IRSON READY NORTHEAST. INC
 Street Address 35 MAIN STREET
 County, City HEMPSTEAD NY 11550
 State & Zip Code HEMPSTEAD NY 11550
 Telephone Number _____

- C. The address at which I sought employment or was employed by the defendant(s) is:

Employer IRSON READY NORTHEAST. INC
 Street Address 4310 3RD AVENUE
 County, City BROOKLYN NY 11232
 State & Zip Code BROOKLYN NY 11232
 Telephone Number (718) 499 2971 FAX / 718 499 9675 TELEPHONE

II. Statement of Claim:

State as briefly as possible the facts of your case, including relevant dates and events. Describe how you were discriminated against. If you are pursuing claims under other federal or state statutes, you should include facts to support those claims. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

- A. The discriminatory conduct of which I complain in this action includes: (check only those that apply)

<input type="checkbox"/>	Failure to hire me.
<input checked="" type="checkbox"/>	Termination of my employment. TOLD NOT TO COME BACK TO IRSON READY
<input type="checkbox"/>	Failure to promote me.
<input type="checkbox"/>	Failure to accommodate my disability.
<input checked="" type="checkbox"/>	Unequal terms and conditions of my employment.

X

Retaliation.

Other acts (specify): DISCRIMINATION/RETALIATION

Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.

B. It is my best recollection that the alleged discriminatory acts occurred on: 2/14/2011 AND 5/31/2011
Date(s)

C. I believe that defendant(s) (check one):

X

is still committing these acts against me.

is not still committing these acts against me.

D. Defendant(s) discriminated against me based on my (check only those that apply and explain):

race INDIGENOUS MOON

color _____



gender/sex _____



religion _____

national origin INDIGENOUS MOON AFRICAN AMERICAN

age. My date of birth is _____ (Give your date of birth only if you are asserting a claim of age discrimination.)



disability or perceived disability, _____ (specify)

E. The facts of my case are as follow (attach additional sheets as necessary):

THELMA HENNELA TOLD ME NOT TO COME BACK TO IABON READY AT 4310 3RD AVE BRLYN NY (718) 499 9675 THELMA HENNELA GIVE MOST IF NOT ALL THE JOBS TO THE HISPANICS NOT TO ME ON THE AFRICAN AMERICANS ON A DAILY BASIS WHEN I REPORTED IT INTERNALLY TO THE BOSSES NOTHING WAS DONE TO THELMA HENNELA EVEN WHEN SHE TOLD ME NOT TO COME BACK TO IABON READY AT 4310 3RD AVE BRLYN NY MS HENNELA TREATED ME DIFFERENTLY FROM HISPANICS I WAS NEVER LATE

Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, the New York State Division of Human Rights or the New York City Commission on Human Rights.

III. Exhaustion of Federal Administrative Remedies:

A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding defendant's alleged discriminatory conduct on: _____ (Date).

B. The Equal Employment Opportunity Commission (*check one*):

☐ has not issued a Notice of Right to Sue letter.
☒ issued a Notice of Right to Sue letter, which I received on 10/21/11 (Date).

Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.

C. Only litigants alleging age discrimination must answer this Question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding defendant's alleged discriminatory conduct (*check one*):

☐ 60 days or more have elapsed.
☒ less than 60 days have elapsed.

IV. Relief:

WHEREFORE, plaintiff prays that the Court grant such relief as may be appropriate, including injunctive orders, damages, and costs, as follows:

TWENTY THOUSAND DOLLARS FOR DAMAGES AND RELIEF
FOR DISCRIMINATORY CONDUCT DONE TO ME

(Describe relief sought, including amount of damages, if any, and the basis for such relief.)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 11 day of 18, 2011.

Signature of Plaintiff

Address

Anthony M. Moore
1400 EAST 24TH AVE
BKLYN NY 11212 APT 11A

Telephone Number

Fax Number (if you have one)

(718) 498 7702 CELL 609 902 1364

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Anthony H. Reeves**
1400 East New York Avenue, Apt. 11A
Brooklyn, NY 11212

From: **New York District Office**
33 Whitehall Street
5th Floor
New York, NY 10004



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

16G-2011-03400

Holly M. Woodyard,
Investigator

(212) 336-3643

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

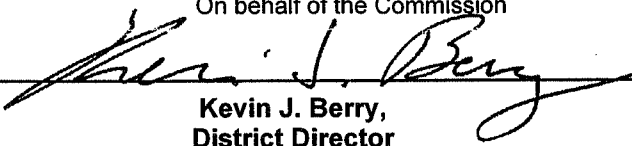
- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


Kevin J. Berry,
District Director

October 21, 2011

(Date Mailed)

Enclosures(s)

cc: **LABOR READY NORTHEAST, INC.**
Attn: Director of Human Resources
35 Main Street
Hempstead, NY 11550



ANDREW M. CUOMO
GOVERNOR

NEW YORK STATE
DIVISION OF HUMAN RIGHTS

NEW YORK STATE DIVISION OF
HUMAN RIGHTS on the Complaint of

ANTHONY REEVES,

Complainant,

v.

LABOR READY NORTHEAST, INC.,

Respondent.

DETERMINATION AND
ORDER AFTER
INVESTIGATION

Case No.
10148918

Federal Charge No. 16GB103400

On 5/31/2011, Anthony H. Reeves filed a verified complaint with the New York State Division of Human Rights ("Division") charging the above-named respondent with an unlawful discriminatory practice relating to employment because of opposed discrimination/retaliation, disability, national origin, race/color in violation of N.Y. Exec. Law, art. 15 (Human Rights Law).

After investigation, and following opportunity for review of related information and evidence by the named parties, the Division has determined that there is NO PROBABLE CAUSE to believe that the respondent has engaged in or is engaging in the unlawful discriminatory practice complained of. This determination is based on the following:

Complainant, who reported discrimination from a past dealing and is a genetically predisposed Indigenous Moor African American, stated that between 2/14/2011 and 5/31/2011, he obtained job recruitment assistance from Respondent. Complainant stated that Ms. Herrera (Hispanic), Customer Service Representative, assigned the jobs to Hispanics, not African Americans. He claimed that she also told Complainant not to return because of his race. Complainant alleged that he reported Ms. Herrera's treatment internally, but nothing was done.

The record does not support Complainant's allegations of opposed discrimination/retaliation, disability, national origin, and race/color discrimination. Respondent submitted a list indicating that in 2011, 73% of the dispatched workers are Black, 17% are Hispanic, and 10% were not identified. Respondent does not maintain national origin information. During a NYSDHR teleconference, Complainant did not dispute Respondent's comparative data. Complainant confirmed that he was not terminated. He claimed that he does not agree with Respondent's "best match" policy because he wants to be dispatched on a daily basis even if he

reports late. Complainant did not have evidence to support that anyone at Respondent, including Ms. Herrera, treated him differently after his internal filing. He acknowledged that he never informed Respondent of his disability, genetically predisposed Indigenous Moor African American. Nor did he ask for an accommodation. No witness contact information was submitted.

Respondent provided, as a defense, that Complainant remains eligible for work assignments should he choose to return. It asserted that he has signed in 13 times and was dispatched on 4 occasions according to its "best match" policy, which states that work is not guaranteed as the worker must be the right person for the job. It averred that Ms. Herrera stated that he needs to come in to be considered for work and that there were no jobs available as he shows up at 8:00a.m., after most jobs have been dispatched.

Based on the lack of evidence of discrimination, the complaint should be dismissed.

The complaint is therefore ordered dismissed and the file is closed.

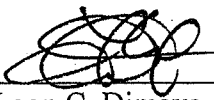
PLEASE TAKE NOTICE that any party to this proceeding may appeal this Determination to the New York State Supreme Court in the County wherein the alleged unlawful discriminatory practice took place by filing directly with such court a Notice of Petition and Petition within sixty (60) days after service of this Determination. A copy of this Notice and Petition must also be served on all parties including General Counsel, State Division of Human Rights, One Fordham Plaza, 4th Floor, Bronx, New York 10458. DO NOT FILE THE ORIGINAL NOTICE AND PETITION WITH THE STATE DIVISION OF HUMAN RIGHTS.

Your charge was also filed under Title VII of the Civil Rights Act of 1964. Your charge was also filed under the Americans with Disabilities Act (ADA). Enforcement of the aforementioned law(s) is the responsibility of the U.S. Equal Employment Opportunity Commission (EEOC). You have the right to request a review by EEOC of this action. To secure review, you must request it in writing, within 15 days of your receipt of this letter, by writing to EEOC, New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004-2112. Otherwise, EEOC will generally adopt our action in your case.

Dated: **SEP 26 2011**
Brooklyn, New York

STATE DIVISION OF HUMAN RIGHTS

By:



Leon C. Dimaya
Regional Director